

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**ADDENDUM NO. 1 TO
CEASE AND DESIST
ORDER NO. R9-2003-0086**

**AGAINST THE CITY OF SAN DIEGO
FOR THE SAN DIEGO CONVENTION CENTER
GROUNDWATER EXTRACTION
DISCHARGE TO SAN DIEGO BAY
TO
ESTABLISH COMPLIANCE WITH
WASTE DISCHARGE REQUIREMENTS ORDER NO. R9-2003-0050
NPDES NO. CA0109029**

The California Regional Water Quality Control Board, San Diego Region, (hereinafter Regional Board) finds that:

1. On March 12, 2003, the Regional Board issued "Cease and Desist Order No. R9-2003-0086 against the City of San Diego for the San Diego Convention Center Groundwater Extraction Discharge to San Diego Bay to establish compliance with Waste Discharge Requirements Order No. R9-2003-0050, NPDES No. CA0109029." Cease and Desist Order No. R9-2003-0086 was issued because the discharge violated the effluent limitations for copper and toxicity.

2. Cease and Desist Order (CDO) No. R9-2003-0086 contained five Directives:

Directive (Dir.) No. 1 required the City of San Diego to cease violations of effluent limitations contained in discharge requirements by December 31, 2003.

Directive No. 2 required the City of San Diego to submit a technical report on estimated costs for alternative disposal methods by April 9, 2003.

Directive No. 3 required the City of San Diego to submit a Remedial Action Work Plan by September 15, 2003.

Directive No. 4 required the City of San Diego to submit four monthly status reports, starting in May 2003.

Directive No. 5 allows the City to request an extension of the December 31, 2003 deadline contained in Directive No. 1, if the most expeditious schedule for implementation of the Remedial Action Work Plan would not achieve compliance by the deadline.

3. Since the adoption of CDO No. R9-2003-0086, the discharge of extracted groundwater from the Convention Center has been in compliance with effluent limitations and waste discharge requirements contained in Order No. R9-2003-0050. Compliance was achieved prior to implementation of the Remedial Action Work Plan.
4. The City of San Diego achieved compliance with Order No. R9-2003-0050 by changing location and method of monitoring the effluent. Previously the City monitored composited samples from sumps 1 and 2 and composited samples from sumps 3 and 4. Beginning in April 2003, the City combined all flows from the four sumps into a single composite effluent sample at the discharge point to San Diego Bay. This new methodology is consistent with the NPDES permit.
5. The City of San Diego complied with Directive No. 2 of CDO No. R9-2003-0086 and complied in parts with Directive Nos. 3 and 4 by submitting a report on cost estimation, four monthly status reports, and a Remedial Action Work Plan by the due dates given in the CDO. However, the Remedial Action Work Plan did not include information on, and evaluation of, pollutant reduction capabilities of their preferred alternative methods of treatment or disposal since no tests could be conducted on extracted groundwater that exceeded the effluent limitations.
6. The Remedial Action Work Plan (Work Plan) assessed a number of alternative methods of treatment/disposal to prevent violating Order No. R9-2003-0050. The Work Plan identifies capital and operation and maintenance costs for each treatment method. The City of San Diego's preferred alternative treatment method is identified in the Work Plan as an organic media filtration system. The treatment system, if implemented according to the design, is expected to achieve a reduction in concentrations of toxic organic and inorganic constituents that have caused exceedance in effluent limitations.
7. To develop and implement the alternative treatment system, a bench-scale treatment testing and onsite pilot plant testing is necessary. The tests need to be conducted with extracted groundwater that is in exceedance of the effluent limitations established in Order No. R9-2003-0050. The testing is necessary to select the optimal combination of filter media and to develop design specifications for the treatment system. The testing is expected to take 27 months to complete.
8. The bench-scale and on-site pilot plant testing cannot be initiated until the Convention Center discharge exceeds the effluent limitations for copper or toxicity.
9. The City does not need to initiate the bench-scale and pilot plant testing until the discharge exceeds the effluent limitations for copper and/or toxicity.

10. The City has requested an extension of the December 31, 2003 deadline. The City will initiate implementation of the Remedial Action Work Plan when its monitoring indicates the discharge is in violation of the effluent limitations for copper or toxicity.
11. It is appropriate modify the CDO deadline and add a Directive requiring implementation of the Remedial Action Work Plan.
12. The Regional Board has notified all known interested parties of its intent to issue Addendum No. 1 to CDO No. R9-2003-0086. The Regional Board, in a public hearing on December 10, 2003, heard comments pertaining to the issuance of Addendum No. 1 to CDO No. R9-2003-0086 and considered all comments received during the public comment period prior to the adoption of this Cease and Desist Order.
13. This enforcement action is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15321 (Enforcement Actions by Regulatory Agencies), Chapter 3, Title 14 of the California Code of Regulations.

IT IS HEREBY ORDERED, that pursuant to California Water Code Section 13267 and 13301, Cease and Desist Order No. R9-2003-0086 is hereby modified as shown below:

Deletions are shown by ~~striketrough~~, additions are shown by underline.

Modify Directive No. 1, page 2

1. The City of San Diego shall cease violations of the effluent limitations and waste discharge requirements contained in Order No. R9-2003-0050 ~~no later than December 31, 2003.~~

Add Directive No. 6, page 4

6. The City of San Diego shall initiate implementation of its Remedial Action Work Plan (Work Plan), dated ????, at the time the discharge violates the effluent limitations for copper or toxicity. The implementation of the Work Plan shall include the following actions:
 - a) The City of San Diego shall notify the Regional Board by telephone within the first 24 hours after they are aware of an effluent limitation violation.
 - b) The City shall develop and implement the preferred proprietary organic media filtration alternative immediately after the first exceedance of the effluent limitations of Order No. R9-2003-0050 by the discharge
 - c) The City of San Diego shall submit monthly status report to the Regional Board 30-days after the first occurrence of an effluent limitation violation and

each subsequent 30 days. The monthly reports shall provide the status of achieving compliance with Order No. R9-2003-0050. Additional details of the status reports shall describe what was accomplished in the previous calendar month, what internal tasks are planned for the next calendar month, and what other internal tasks are planned for in the future. The status reports shall also list which internal tasks were not completed from prior status reports, and provide an explanation why they were not completed. The City shall continue submitting monthly monitoring reports to the Regional Board for review until compliance with CDO No. R9-2003-0086 is achieved.

- d) The City of San Diego shall cease violations of the effluent limitations and waste discharge requirements contained in Order No. R9-2003-0050 no later than 27 months after the first exceedance of the effluent limitations of Order No. R9-2003-0050.
- e) If at any time there is a delay in schedule or the implementation of the preferred alternative, the City of San Diego shall request a hearing for the regional board to consider an extension of deadline in Directive No. 4 of this Order.

PROVISIONS

1. Nothing in this Order shall be construed to relieve the City of San Diego from civil liability or criminal penalties resulting from violations of Order No. R9-2003-0050, NPDES Permit No. CA0109029, as renewed or revised, or this Addendum to CDO No. R9-2002-0086, nor shall it relieve the City of San Diego from civil liability or criminal penalties from previous violations of Order No. R9-200-0090.
2. This Addendum No. 1 to CDO No. R9-2003-0086 becomes effective on the date of adoption by the Regional Board.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board on December 10, 2003.

TENTATIVE
JOHN H. ROBERTUS
Executive Officer